ENVIRONMENTAL QUALITY

CHAPTER 56

UNDERGROUND STORAGE TANKS
PETROLEUM AND CHEMICAL SUBSTANCES

Sub-Chapter 7

Out-of-Service UST Systems and Closure

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17.56.701 INACTIVE UST SYSTEMS (1) When the status of an active UST system is changed to inactive, owners and operators shall notify the department, in writing, within 10 days after the date the UST ceases to be used for dispensing, depositing or storing regulated substances, shall continue operation and maintenance of corrosion protection in accordance with ARM 17.56.302, and shall continue operation and maintenance of any release detection in accordance with subchapter 4. Subchapters 5 and 6 must be complied with if a release is suspected or confirmed. However, release detection is not required as long as the UST system is empty. The UST system is empty when all materials have been removed using commonly employed practices so that no more than 2.5 centimeters (one inch) of residue, or 0.3% by weight of the total capacity of the UST system, remains in the system.

(2) When an UST system is inactive for three months or more, owners and operators shall also:

(a) empty the UST system;

(b) leave vent lines open and functioning; and

(c) cap and secure all other lines, pumps, manways, and ancillary equipment.

(3) UST system components that do not meet the corrosion protection requirements of ARM 17.56.201 or 17.56.202 must be permanently closed in accordance with ARM 17.56.702 through 17.56.705.

(4) In order to return an inactive UST to active status, owners and operators, in addition to complying with all applicable UST requirements under this subchapter, shall:

(a) when an UST has a valid operating permit and is inactive for 12 months or less, provide the department with 30 days advance written notice of the owner or operator's intent to return the UST to active status;

(b) when an UST has a valid operating permit and is inactive for more than 12 months:

(i) provide the department with 30 days advance written notice of the owner or operator's intent to return the UST to active status; and

(ii) perform a precision tank tightness test, line tightness tests and functionality tests of all mechanical and electronic release detection equipment, and submit all test results to the department. The owner and operator may return the UST to active status only upon receipt of notice from the department indicating that the test results are satisfactory. All tests must be conducted in accordance with accepted industry standards and must meet the performance requirements in ARM 17.56.407 and 17.56.408;

(c) when an UST does not have a valid operating permit, but no more than 12 months have passed since the expiration date of the last operating permit issued for the UST:

(i) provide the department with advance written notice as required in (4)(b)(i); and

(ii) obtain a conditional operating permit in accordance with ARM 17.56.310 and a compliance inspection in accordance with ARM 17.56.309;

(d) when an UST does not have a valid operating permit, and more than 12 months have passed since the expiration date of the last operating permit issued for the UST:

(i) provide the department with advance written notice as required in (4)(b)(i);

(ii) perform a precision tank tightness test, line tightness tests and functionality tests of all mechanical and electronic release detection equipment, and submit test results to the department. The owner and operator may return the UST to active status only upon receipt of notice from the department indicating that the test results are satisfactory. All tests must be conducted in accordance with accepted industry standards and must meet the performance requirements in ARM 17.56.407 and 17.56.408; and

(iii) obtain a conditional operating permit in accordance with ARM 17.56.310 and a compliance inspection in accordance with ARM 17.56.309;

(e) when an UST does not have a valid operating permit, continuous operation and maintenance of corrosion protection in accordance with ARM 17.56.302 cannot be demonstrated, and more than three years have passed since the expiration date of the last operating permit issued for the UST:

(i) meet all the requirements in (4)(d)(i) through (4)(d)(iii); and

(ii) show that the UST is structurally sound based upon an internal inspection. (History: 75-11-505, 75-11-509, MCA; IMP, 75-11-505, 75-11-509, MCA; NEW, 1989 MAR p. 1912, Eff. 11/23/89; TRANS, from DHES, 1995 MAR p. 2259; AMD, 2003 MAR p. 2759, Eff. 12/12/03.)

17.56.702 PERMANENT CLOSURE AND CHANGES-IN-SERVICE

(1) At least 30 days before beginning either permanent closure or a change-in-service under (2) and (3), owners and operators must notify the department and the implementing agency in writing of their intent to permanently close or make the change-in-service, unless such action is in response to corrective action already notified to the department under subchapter 6. The required assessment of the excavation zone under ARM 17.56.703 must be performed after notifying the department and the implementing agency but before completion of the permanent closure or a change-in-service.

(2) To permanently close a tank or connected piping or both, owners and operators must empty and clean it by removing all liquids and accumulated sludges. All tanks, connected piping, or both, taken out of service permanently must also be either removed from the ground or, when approved by the department, filled with an inert solid material.

(3) Continued use of an UST system to store a non-regulated substance is considered a change-in-service. Before a change-in-service, owners and operators must empty and clean the UST system by removing all liquid, accumulated sludge and all combustible and flammable vapors and conduct a site assessment in accordance with ARM 17.56.703.

(4) The following cleaning and closure procedures adopted by reference in (5) must be used to comply with this rule:

(a) American Petroleum Institute Recommended Practice 1604, "Removal and Disposal of Used Underground Petroleum Storage Tanks";

(b) American Petroleum Institute Publication 2015, "Cleaning Petroleum Storage Tanks";

(c) American Petroleum Institute Recommended Practice 1631, "Interior Lining of Underground Storage Tanks," may be used as guidance for compliance with this section; and

(d) The National Institute for Occupational Safety and Health "Criteria for a Recommended Standard * * * Working in Confined Space" may be used as guidance for conducting safe closure procedures at some hazardous substance tanks.

(5) The department hereby adopts and incorporates by reference:

(a) American Petroleum Institute Recommended Practice 1604, "Removal and Disposal of Used Underground Petroleum Storage Tanks" which sets forth closure practices for UST systems and a copy of which may be obtained from API Publications Department, 1220 L Street NW, Washington, DC 20005, (202) 682-8375;

(b) American Petroleum Institute Publication 2015, "Cleaning Petroleum Storage Tanks" which sets forth cleaning standards for UST tanks and a copy of which may be obtained from API Publications Department, 1220 L Street NW, Washington, DC 20005, (202) 682-8375;

(c) American Petroleum Institute Recommended Practice 1631, "Interior Lining of Underground Storage Tanks," may be used as guidance for compliance with this section which sets forth entrance standards for UST tanks and a copy of which may be obtained from API Publications Department, 1220 L Street NW, Washington, DC 20005, (202) 682-8375; and

(d) The National Institute for Occupational Safety and Health "Criteria for a Recommended Standard * * * Working in Confined Space" which sets forth standards for working inside an UST tank and a copy of which may be obtained from Superintendent of Documents, Government Printing Office, Washington, DC 20402, (202) 783-3238. (History: 75-10-405, MCA; IMP, 75-10-405, MCA; NEW, 1989 MAR p. 1912, Eff. 11/23/89; TRANS, from DHES, 1995 MAR p. 2259.)

17.56.703 ASSESSING THE SITE AT CLOSURE OR CHANGE-IN-SERVICE (1) Before permanent closure or a change-in-service is completed, owners and operators must measure for the presence of a release where contamination is most likely to be present at the UST site. When measuring for the presence of a release, owners and operators must:

(a) Collect soil samples, as soon as possible after the tank, piping, or both have been removed, at the base of the tank excavation and piping trench at suspected worst-case locations, which locations may include:

(i) areas around the tank and piping that record the highest concentrations of hydrocarbon vapor recorded with vapor monitoring instruments;

(ii) areas around the tank and piping that look stained or discolored;

(iii) the lowest point of the tank;

(iv) where the tank meets the piping; and

(v) beneath the fill lines. For tank removal, at least two soil samples, one from either end of the tank or at suspected worst-case locations, shall be taken at least one to two feet below the base of the maximum excavation depth for each tank over 600 gallons being closed. One soil sample shall be collected beneath tanks with a capacity of 600 gallons or less. If contaminated soil is removed from the excavation site, at least one composite sample of the contaminated soil shall be collected for analysis. For piping removal, soil samples shall be collected every 20 feet at the base of the piping trench, and at suspected worst-case locations. Up to five piping trench samples may be composited.

(b) If ground water is encountered in the tank excavation, the presence of free product should be measured and a sample of the water collected for analysis.

(c) In selecting sample types, sample locations, and measurement methods, owners and operators must consider the method of closure, the nature of the stored substance, type of backfill, depth to ground water, and other factors appropriate for identifying the presence of a release. The department and the implementing agency should be consulted to assist in determining sample types, sample locations, and measurement methods. The Montana Quality Assurance Plan for Investigation of Underground Storage Tank Releases should be used as a guide for the collection, preservation and analysis of field samples.

(d) Field hydrocarbon vapor analyzers can be used as screening tools to determine the presence of a release and to assist in determining the extent of contaminated soil to be removed. These analyzers, however, should not be used to confirm the absence of soil or water contamination. Only laboratory analysis of samples will be accepted by the department to confirm the absence of soil or water contamination.

(2) If sampling indicates contaminated soils, contaminated ground water, or if free product as a liquid or vapor is discovered under (1), or by any other manner, owners and operators must begin corrective action in accordance with subchapter 6. A release must be reported to the department and to the implementing agency by the owner or operator within 24 hours. (History: 75-10-405, MCA; IMP, 75-10-405, MCA; NEW, 1989 MAR p. 1912, Eff. 11/23/89; TRANS, from DHES, 1995 MAR p. 2259.)

17.56.704 APPLICABILITY TO PREVIOUSLY CLOSED UST SYSTEMS

(1) When directed by the department, the owner and operator of a permanently closed UST system must access the excavation zone and close the UST system in accordance with this subchapter if releases from the UST may, in the judgment of the department, pose a current or potential threat to human health and the environment. (History: 75-10-405, MCA; IMP, 75-10-405, MCA; NEW, 1989 MAR p. 1912, Eff. 11/23/89; TRANS, from DHES, 1995 MAR p. 2259.)

17.56.705 CLOSURE RECORDS (1) Owners and operators must maintain records in accordance with ARM 17.56.305 that are capable of demonstrating compliance with closure requirements under this subchapter. Results of the excavation zone assessment required in ARM 17.56.703 must be maintained for at least three years after completion of permanent closure or change-in-service in one of the following ways:

(a) by the owners and operators who took the UST system out of service;

(b) by the current owners and operators of the UST system site; or

(c) by mailing these records to the department if the records cannot be maintained at the closed facility.

(2) Owners and operators must submit a completed tank closure report to the department within 30 days of closure on a form designated by the department. (History: 75-10-405, MCA; IMP, 75-10-405, MCA; NEW, 1989 MAR p. 1912, Eff. 11/23/89; TRANS, from DHES, 1995 MAR p. 2259.)

17.56.706 REQUIREMENT TO EMPTY NONCOMPLIANT USTS

(1) The department may require an owner or operator to immediately empty an UST system upon a finding that the UST system is not in compliance with any of the requirements in ARM Title 17, chapter 56, subchapters 2, 3, 4 or 7 and that allowing the contents to remain in the UST system poses a risk to public health or the environment. (History: 75-11-505, MCA; IMP, 75-11-505, MCA; NEW, 2003 MAR p. 2759, Eff. 12/12/03.)